

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 269

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### Introduced by Assembly Member Ma

February 7, 2011

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~~An act relating to pupil health and safety.~~*An act to amend Section 47610 of, and to add Section 47602.5 to, the Education Code, relating to charter schools.*

#### LEGISLATIVE COUNSEL'S DIGEST

AB 269, as amended, Ma. ~~Pupil health and safety.~~*Charter schools: pupil health and safety.*

(1) *The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. Existing law requires a chartering authority to ensure that each charter school under its authority complies with all reports required of charter schools by law.*

*This bill would require the Legislative Analyst to report by January 1, 2013, to the Legislature on the accuracy of data reported by charter schools with respect to violent incidents on campus.*

(2) *Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws. Existing law requires a charter school to comply with its charter. Existing law requires a charter to include the procedures that the school will follow to ensure the health and safety of pupils and staff, including the*

*requirement that each employee of the school furnish the school with a criminal record summary.*

*This bill would require a charter school to comply with all laws governing the health and safety of pupils and school employees. To the extent this bill would impose additional duties on charter schools, this bill would impose a state-mandated local program.*

*(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law establishes the system of public elementary and secondary schools in this state. Existing law provides that each person between the ages of 6 and 18 years, with specified exceptions, is subject to compulsory full-time education. Numerous statutes relate to the health and safety of elementary and secondary school pupils.~~

~~This bill would express the intent of the Legislature to enact legislation that would improve the health and safety of elementary and secondary school pupils in this state.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 47602.5 is added to the Education Code,
- 2     to read:
- 3     47602.5. By January 1, 2013, the Legislative Analyst shall
- 4     report to the Legislature on the accuracy of data reported by
- 5     charter schools with respect to violent incidents on campus.
- 6     SEC. 2. Section 47610 of the Education Code is amended to
- 7     read:
- 8     47610. A charter school shall comply with this part and all of
- 9     the provisions set forth in its charter, but is otherwise exempt from
- 10    the laws governing school districts, except all of the following:
- 11    ~~(a) As specified in Section 47611.~~
- 12    ~~(b) As specified in Section 41365.~~
- 13    ~~(c)~~

1 (a) All laws establishing minimum age for public school  
2 attendance.

3 ~~(d)~~

4 (b) The California Building Standards Code (Part 2  
5 (commencing with Section 101) of Title 24 of the California Code  
6 of Regulations), as adopted and enforced by the local building  
7 enforcement agency with jurisdiction over the area in which the  
8 charter school is located. *Charter school facilities shall comply*  
9 *with this subdivision by January 1, 2007.*

10 ~~(e) Charter school facilities shall comply with subdivision (d)~~  
11 ~~by January 1, 2007.~~

12 (c) *All laws governing the health and safety of pupils and school*  
13 *employees, including, but not limited to, Sections 32225 and*  
14 *35292.5, Article 5 (commencing with Section 32280) of Chapter*  
15 *2.5 of Part 19 of Division 1 of Title 1, Article 10.4 (commencing*  
16 *with Section 35294.10) of Chapter 2 of Part 21 of Division 3, and*  
17 *Chapter 1 (commencing with Section 32001) of Part 19 of Division*  
18 *1 of Title 1.*

19 (d) *Sections 41365 and 47611.*

20 SEC. 3. *If the Commission on State Mandates determines that*  
21 *this act contains costs mandated by the state, reimbursement to*  
22 *local agencies and school districts for those costs shall be made*  
23 *pursuant to Part 7 (commencing with Section 17500) of Division*  
24 *4 of Title 2 of the Government Code.*

25 SECTION 1. ~~It is the intent of the Legislature to enact~~  
26 ~~legislation that would improve the health and safety of elementary~~  
27 ~~and secondary school pupils in this state.~~